

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, September 30, 2010, @ 6:30 p.m.**
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220-South
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. Z.C. Case No. 07-02B (Highland Park West, LLC, *et al.* - Modification to PUD @ Square 2672)

THIS CASE IS OF INTEREST TO ANC 1A

On May 13, 2010, the Office of Zoning received an application from Highland Park West LLC, Columbia Heights Ventures Parcel 26, LLC, and the District of Columbia (collectively, the "Applicant"). The Applicant is requesting approval of modifications to an approved planned unit development ("PUD") for part of the subject property. A related zoning map amendment from R-5-B to C-3-A for a portion of the subject property was approved as part of the original PUD. The Office of Planning provided its report on June 4, 2010, and the case was set down for hearing on June 14, 2010. The Applicant provided its prehearing statement on June 16, 2010.

The property that is the subject of this application consists of approximately 101,194 square feet of land area. The overall PUD site consists of Lots 884, 885, and 886 in Square 2672. Lot 884 is improved with the existing Highland Park building, and Lots 885 and 886 are assessment and taxation lots created over an existing record lot known as Lot 726. The property is located in the block bounded by Irving Street, N.W. to the north, 14th Street, N.W. to the east, Columbia Road, N.W. to the south, and 15th Street, N.W. to the west. The subject property is zoned C-3-A pursuant to the original PUD approval.

By Order No. 07-02, dated May 12, 2008, effective June 27, 2008, the Zoning Commission approved the consolidated PUD and related map amendment from R-5-B to C-3-A for the construction of a 69 unit apartment building and an 82 bed community based residential facility ("CBRF") as an addition to the existing Highland Park building located on Lot 884. The initially-approved addition would contain approximately 109,000 square feet of gross floor area, and would be constructed to a maximum height of 86 feet, 2 inches. The overall density of the entire project was approved at 3.96 FAR and was designed to include a total of 64 new parking spaces.

The Applicant now seeks the following modifications to the apartment house to be constructed as an addition to the Highland Park building: to increase the number of residential units from 69 to 143 units; to increase the height from 86 feet, 2 inches to 90 feet; to eliminate the proposed parking spaces for the new construction; and to redesign the exterior facades of the addition in

order to help the façade blend with the facades of the existing Highland Park building. The CBRF portion of the approved PUD will remain as approved, and thus this modification application does not apply to or include any changes to the approved CBRF.

The C-3-A Zone District permits mixed residential and commercial development as a matter-of-right, to a maximum lot occupancy of 75% for residential use, a maximum FAR of 4.0, of which no more than 2.5 may be devoted to other than residential uses and a maximum height of 65 feet. Under Chapter 24, the guideline for height in a PUD is 90 feet and the guideline for FAR in a PUD is 4.5, of which no more than 3.0 may be commercial.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than fourteen (14) days prior to the date set for the hearing, a written statement containing the following information:**

- (a) The person's name, address, and daytime telephone number;
- (b) A request to appear and participate as a party;
- (c) Whether the person will appear as a proponent or opponent of the application;
- (d) Whether the person will appear through legal counsel, and if so, the name and address of legal counsel;

- (e) A list of witnesses who will testify on the person's behalf;
- (f) A summary of the testimony of each witness;
- (g) An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts;
- (h) The total amount of time being requested to present their case; and
- (i) A written statement setting forth why the person should be granted party status, including reference to the following:
 - (1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the action requested of the Commission;
 - (2) The legal interest the person has in said property, such as owner, tenant, trustee, or mortgagee;
 - (3) The distance between the person's property and the property that is the subject of the application before the Commission;
 - (4) The economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied; and
 - (5) An explanation of how the person's interest as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

The Applicant shall also provide the information indicated in (e) through (h) to the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1.

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall also contain the information indicated in (e) through (h) above.

Time limits.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 60 minutes collectively |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

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Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200/210-S, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, KONRAD W. SCHLATER, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA,
BY JAMISON L. WEINBAUM, DIRECTOR, AND BY SHARON S. SCHELLIN,
SECRETARY TO THE ZONING COMMISSION.**